

Calendar date of 5/24/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **PROBATE**

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: MPR MS01165

CASE NAME: ESTATE OF DANIEL J. WALTON

HEARING:
Hearing re Final Discharge

COUNSEL:

JESSICA WALTON (PET)...CAROL L ADAMS
DANIEL J WALTON (DEC)...
AMERICAN CONTRACTORS INDEMNITY(AGN)...
DENNIS J HEALEY (PET)...ADAMS, CLARK & CLARK
RICHARD GHAN (PET)...ADAMS, CLARK & CLARK

GENERAL INFORMATION

Continued from **12/1/09** and **1/19/10** at request of counsel.

Continued from 4/26/10 No appearance. Clerk mailed notice. Nothing new filed.

THIS CASE SET FOR HEARING ON Final Discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution approved on 11/25/08.
2. Need receipts.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Clerk to notice bonding company.

(cbr/vet/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000295

CASE NAME: THE JACK A. JOHNSON TRUST

HEARING:

Petition for FOR INSTRUCTIONS RE: PURCHASE OF HOME
COUNSEL:

WELLS FARGO BANK (PET)...SCOTT
THE JACK A. JOHNSON TRUST (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for instruction to purchase a home

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. The Jack Johnson SNT was created 6/30/09 in San Bernardino County. Petitioner alleges that the beneficiary, a minor, was born in Kingman, AZ, moved to Highland, CA where the injury litigation occurred and Trust was established, and has recently relocated back to Kingman, AZ where they hope to live permanently.
2. The settlement is \$853,287 with additional periodic payments.
3. Petitioner requests authorization to expend \$179,000 plus closing costs to purchase a house located in Kingman, AZ. Title to be taken in the name of the Trust. Petitioner believes that the purchase of real property is a good long-term investment for the benefit of the beneficiary (copy of property attached in exhibit 2).
4. Petitioner requests authority to pay homeowner insurance premiums, property taxes and maintenance costs above \$250.00 from the Trust. Question if the request for payment of costs above \$250 is an allowance of *\$250 per month?* Need verified supplement.
5. Petitioner alleges that the beneficiaries parents and 2 siblings will reside in the home with the beneficiary and will pay an initial rate of \$650/month rent.

RECOMMENDATION:

Need clarification of note 4, then Court's discretion. As no future dates were previously set, Court to set accounting review for **9/20/10**.

(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000298

CASE NAME: VELDON DAVISON

HEARING:

Petition for APPOINTMENT OF PUBLIC GUARDIAN AS SUCCESSOR
TRUSTEE OF THE DAVISON FAMILY TRUST

COUNSEL:

PUBLIC GUARDIAN	(PET)...COUNTY COUNSEL
VELDON DAVISON	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Public Guardian as
Successor Trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is temporary Conservator of the person and estate of Veldon Davison on 05/02/10.
2. Petitioner is requesting the appointment of successor trustee of The Davison Family Trust dated 07/09/90 and amended on 05/01/09. The Sole Trustee of the trust is the Conservatee. The Conservatee currently lacks the capacity to act as trustee as of 05/02/10 when petitioner was appointed temporary Conservator. The trust states that if the trustee lacks capacity, the position of trustee is vacant. Named successor trustees have nominated petitioner.
3. Durable power of attorneys Cynthia Villani and Thomas Fowler has relinquished their position.

RECOMMENDATION

Court's discretion.

(cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0600091

CASE NAME: ESTATE OF DAWN M DOLTZ

HEARING:
Accounting Review

	COUNSEL:
NOLA M PREVOST	(PET)...HORSPOOL & PARKER
DAWN M DOLTZ	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 1/4/07, no bond.
2. Last status report approved 5/18/09.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0600285

CASE NAME: TERINA SPRAGUE SPECIAL NEEDS TRUST

HEARING:

PETITION FOR WAIVER OF Account and Report of CHERYL SPRAUGE and
Petition for allowance of fees filed.

COUNSEL:

BANK OF THE WEST	(PET)...JOHN A PAYNE JR
TERINA SPRAGUE	(PET)...PRO/PER
SHERRIL SPRAGUE	(PET)...PRO/PER
CHERYL SPRAUGE	(STE)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is successor trustee of the Terina Sprague Special Needs Trust.
2. Accounting period 03/26/07 – 03/27/10. Accounting period should begin at end of previous trustee's final accounting. However, it appears that petitioner did not receive the funds until 03/26/07.
3. Assets on hand \$4,557.54 held in blocked account and real property in name of trust (personal residence).
4. Petitioner is requesting the accounting be waived. It appears that the estate qualifies for a waiver under CRC 7.903 (d).
5. Need notice of hearing and proof of service to beneficiary.

RECOMMENDATION

Need notice then Court's discretion.

(cbr)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800927

CASE NAME: THE SANTA CRUZ FAMILY TRUST

HEARING:

Motion Re: ORDER AUTHORIZING DEPOSITION OF PRISONER DECL OF PAUL
N. GAUTREAU Filed by Respondent RANDALL R SANTA CRUZ

COUNSEL:

JOSEPH SANTA CRUZ (PET)...PAUL N GATREAU
CAMERON A. SANTA CRUZ (PET)...PRO/PER
RANDALL R SANTA CRUZ (PAUL N GAUTREAU)...PAUL N GA

No calendar notes will be prepared. Judge to decide.

FUTURE HEARINGS:

6/08/10 Petition for RELIEF FROM BREACH OF TRUST,TO COMPEL THE TRUSTEE
6/08/10 FIRST Account and Report of CAMERON A. SANTA CRUZ

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0801037

CASE NAME: ALFRED NAVOR

SEE ALSO 6B

HEARING:

Petition for REMOVAL OF PERSONAL REPRESENTATIVE AND FOR
IMMEDIATE SUSPENSION OF POWERS

COUNSEL:

MARIA DEL ROSARIO VASQUEZ (PET)...PRO/PER
ALFRED NAVOR (DEC)...
THERESA MANTZ (PET)...PRO/PER
CHRIS ESTRADA (OBJ)...CRAIG M PARKER

GENERAL INFORMATION

Continued from 03/22/10. Oral motion to freeze estate assets denied without prejudice.
Continued from 4/26/10 at request of counsel as an answer has been filed.

THIS CASE IS SET FOR HEARING ON

- 1) Petition to contest probate of will.
- 2) Petition to remove personal representative, for immediate suspension of powers pending hearing, and for delivery of personal property to the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. In 11/08, Maria del Rosario Vasquez petitioned to probate decedent's pour-over will that had been drafted in 4/08. Proof of service indicating 11/26/08 mailing of notice of the probate petition to the required parties (including daughter, Theresa Mantz) was filed on 12/1/08. A proper Notice of Petition to Administer indicating a 12/31/08 mailing to the required parties (including daughter, Theresa Mantz) was filed on 1/2/09.
2. An objection to the probate petition was filed in 4/09 by Chris Estrada, child of decedent's predeceased spouse. A proof of service attached hereto shows service upon parties including Theresa Mantz on 4/13/09. At an 9/27/09 MSC, the parties reached agreement and the court appointed Maria del Rosario Vasquez as executor, no bond, full authority. The parties agreed to a procedure to sell decedent's real property and divide the sale proceeds. Theresa Mantz

- did not appear at the hearings that occurred leading up to and including the MSC or file an opposition or documents during that time and she was not part of the agreement to divide the estate. In 12/09 a receipt for a share of the sale proceeds was filed by Chris Estrada which implies that the real property sale has been completed and the estate has been divided.
3. In 2/10, Theresa Mantz (decedent's daughter) filed the present petitions in which she seeks to contest the will, removal of the representative, and delivery of personal property of the estate (including family photo albums which Mantz states representative will not turn over). Mantz adds Financial Elder Abuse allegations and prayers for damages against representative. The following concerns are raised by the petitions (need verified supplement and/or points 7 authorities):
 - a. At least as to the will contest and removal of representative demands in the petitions, question how such theories can now be raised. Per Pr.C. 8007, an order admitting a will to probate or appointing a personal representative is conclusive unless there was extrinsic fraud in the procurement of the court order or the order was based upon an erroneous determination of decedent's death. No such acts are alleged to be present here. Per Pr.C. 8270, within 120 days after a will is probated, a petition to revoke probate may be made by any interested person *other* than a party to a will contest or other person who had actual knowledge of a will contest in time to have joined in the contest. Note that petitioner Mantz received multiple notices of the petition for probate in 12/08 and 1/09, over a year before she filed the present petitions in 2/10. In between those dates, petitioner did not participate in the probate hearings to determine whether the will should be probated. Moreover, on 4/13/09 objector mailed service of the Opposition to Petition to Probate to Mantz and that document was arguably a will contest such that any attempt to now contest the will or appointment of representative would be untimely per Pr.C. 8270.
 - b. As to petitioner's requests for removal of representative, suspension of powers, etc., there is no apparent allegation of wrongdoing while representative has been appointed. Appears that petitioner is proceeding based upon allegations of wrongdoing around the time of decedent's death such that those issues could have been raised in opposition to the probate petition.
 - c. The title to the petitions does not indicate all of the requested relief such as Financial Elder Abuse damages.
 4. Return of summons indicating service upon representative has been filed.
 5. **Answer to petition for will contest and removal of personal representative filed by Maria Vazquez.**

RECOMMENDATION

Need to clear notes. Set for evidentiary hearing.

(abs/cbr/abs/kra)

Future hearing dates:

8/26/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0801037

CASE NAME: ALFRED NAVOR

SEE ALSO 6A

HEARING:
Petition for TO CONTEST PROBATE OF WILL

COUNSEL:
MARIA DEL ROSARIO VASQUEZ (PET)...PRO/PER
ALFRED NAVOR (DEC)...
THERESA MANTZ (PET)...PRO/PER
CHRIS ESTRADA (OBJ)...CRAIG M PARKER

See notes on prior page (matter #6A).

FUTURE HEARINGS:
8/26/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0801043

CASE NAME: THE LUCAS SHALHOUB SPECIAL NEEDS TRUST

HEARING:

FIRST CURRENT Account and Report of MARK VINCENT SHALHOUB, IRENE SHALHOUB and Petition for allowance of fees filed.

COUNSEL:

THE LUCAS SHALHOUB SPECIAL NEE(TRU)...
MARK VINCENT SHALHOUB (PET)...HORSPOOL & PARKER
IRENE SHALHOUB (PET)...HORSPOOL & PARKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st account current of co-trustees and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 11/26/08 – 12/31/09.
2. Assets on hand \$542,236.13 in cash.
3. Bond is currently at \$556,000. Appears adequate.
4. On 3/5/09 Court authorized petitioner, Irene Shalhoub, to receive \$2,000/monthly for care giving services. Petitioner requests to continue this payment.
5. Attorney requests fees of \$3,363.00 and costs of \$355.00 for a total of \$3,718.00. Billing based on a rate of \$295/hour for 11.40 hours. JTD
6. Need notice of hearing and proof of service.

RECOMMENDATION:

Need notice. If approved, court to set hearing re accounting review for **6/6/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900355

CASE NAME: ROY CHARLES MINER

SEE ALSO 7B

HEARING:

Hearing Re: Petition for Request for Seizure of Funds

COUNSEL:

SHEILA JO MINER	(PET)...	JAMES E NEWNHAM
ROY CHARLES MINER	(DEC)...	
SHIRLEY M MINER	(OBJ)...	JACK B OSBORN

GENERAL INFORMATION:

Continued from 6-17-09 by request of counsel. No new research completed. The notes below are from the hearing on 6-17-09.

Continued from 06/22/09, 08-18-09, 10/28/09. 12/22/09, 2/22/10, 03/22/10, 4/26/10.

THIS CASE IS SET FOR HEARING ON Petition for Request of Seizure of Funds and Placement into Trust Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the daughter of decedent, Roy Charles Minor, who died 4/13/09. Petitioner alleges that decedent had a bank account (pay on death account or joint tenancy account) for which petitioner was listed as beneficiary. Petitioner believes that petitioner's brother, Rick Miner, used his power of attorney after decedent's death to close the account. Petitioner believes there may be other accounts that her brother closed as well. No authority is provided in the petition, however, it would appear that this is a petition under Pr.C. §850.
2. Need to file Notice of Hearing and proof of service per Pr.C. §851, including personal service upon Rick Miner.

RECOMMENDATION:

Need notice and then set for Evidentiary Hearing.

(gls/cbr/vet/abs/cbr/abs/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900355

CASE NAME: ROY CHARLES MINER

SEE ALSO 7A

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA

COUNSEL:

SHEILA JO MINER	(PET)...	JAMES E NEWNHAM
ROY CHARLES MINER	(DEC)...	
SHIRLEY M MINER	(OBJ)...	JACK B OSBORN

GENERAL INFORMATION:

Continued from 06/22/09, 08-18-09, 10/28/09, 12/22/09, 2/22/10, 03/22/10, 4/26/10.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA filed by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner makes no request whether or not bond should be waived. However, as full authority is requested, Court may wish to set bond at \$505,000. JTD
2. Need to file Notice of Petition to Administer Estate and proof of service.
3. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes 2-3, then Court's determination re: bond. If approved, set accounting/status review for 07/11/11.

(gls/cbr/vet/abs/cbr/abs/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900367
CASE NAME: CURTISS C WALKER

HEARING:
Petition to determine succession to Real Property
COUNSEL:
MYRTIS WALKER (PET)...PRO/PER
CURTISS C WALKER (DEC)...

GENERAL INFORMATION:

Prior petition to determine succession had been continued multiple times. Probate notes questioned whether it should have been a spousal property petition. Petitioner has filed a new spousal property petition, apparently mooted the prior petition. New notice given.

THIS CASE IS SET FOR HEARING ON
Spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Surviving spouse seeks entire estate based upon decedent's will naming her as sole beneficiary. Copy of will attached.
2. Real property was purchased with community property funds but titled in decedent's name.

RECOMMENDATION:

RFA. If approved, no future dates need be set.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS02781

CASE NAME: IN THE ESTATE OF MICHAEL LOGAN SOKOL

HEARING:
Hearing re Final Discharge

COUNSEL:
MICHAEL L SOKOL (DEC)...
GENE SIMPSON (PET)...BRUNICK ALVAREZ & BATTERSBY
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

Continued from **11/29/07** and **1/31/08** as petitioner is in the process of locating creditors.

Continued from **7/17/08** as creditor was located but is deceased. Petitioner is seeking to locate any heirs. If not, the funds will need to be deposited with the State.

Continued from **10/16/08** counsel stated they are still trying to locate the next of kin to one of the beneficiaries. Also checks that have been sent to creditors have not been cashed.

Continued from **3/26/09, 1/15/09, 6/15/09** and **10/19/09** at request of counsel.

Continued from **3/8/10** No appearance. Clerk mailed notice.

Continued from 4/19/10. Counsel stated that the order directing clerk to distribute funds held in interpleader had not been completed and court continued matter to follow-up on why it had not been completed. Matter directed to probate Supervisor.

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final accounting and distribution approved on 11/27/06.
2. No receipts or final discharge filed.
3. Order directing Clerk to distribute funds held in Interpleader Action to Claimant filed on 10/19/09.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Clerk to notify bond company.

(/gls/cbr/smj/kra/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06063

CASE NAME: MTR OF ANNE H PRILL

HEARING:
Hearing Re: Status Report on Account

COUNSEL:
STEVEN T PRILL (PET)...PRO/PER
ANNE H PRILL (DEC)...
PAMELA COLEMAN (PET)...MARTIN E KELLER
PEGGY ROSE SZYCHOWSKI (TP)...MARTIN E KELLER

GENERAL INFORMATION

Continued from **5/19/06, 8/18/06, 11/6/06, 12-14-06 & 1-17-07** for objections to be filed.
Continued from **2/28/07, 4/25/07** and **6/27/07** as offer received on property.
Continued from **8/1/07** at request of counsel to address objections filed.
Continued from **9/6/07, 10/25/07, 12/13/07, 2/28/08** and **4/10/08** for objections by heirs.
Continued from **6/24/08** and **8/4/08**. A family member may be purchasing the home.
Continued from **9/29/08** notice of proposed action filed and heir is to purchase property.
Continued from **11/17/08, 1/26/09, 3-23-09** and **5-4-09** at request of counsel.
Continued from **7/27/09, 9/14/09** agreement made for an heir to purchase the property.
Continued from **12/7/09** at request of counsel as another sale fell through.
Continued from 3/22/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Probate status report and Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 12/14/04 to co-executors petitioner and Steven Prill. Mr. Prill filed resignation 4/6/06.
2. Petitioner anticipates time of completion/close of the estate is March 2008 and requests to continue to administer trust.
3. In the accounting please file verified supplements explaining the following:
 - a. Monthly payments to Acorn Bookkeeping with billings from \$85 to \$309. It appears that monthly check writing involved only 2-10 checks. Why was it necessary to retain a bookkeeping company? *Supp*: prior to death decedent

had difficulties and monies were placed in trust with Acorn Bookkeeping to assist in bill paying.

- b. Who is Chris Loper and why was he paid \$230 on 5-3-04. Supp: airfare for son of decedent to attend decedent's funeral. Petitioner alleges that none of the heirs objected to this payment.
 - c. Who is Edward Ingraham and why was he paid \$400 on 3-29-05. Supp: for preparing an appraisal of the real property. As a payment of \$412.10 was paid to B.M. Garvin on 4/1/05 for probate appraisal, question why a separate appraisal was necessary. Need verified supplement.
 - d. File a bank statement supporting the assets on hand. Local Rules of Court, Rule 20-908. Not addressed in the 2nd supplement.
4. Clerk's notes from 8/1/07 indicates one objection to account has been received. Question whether objection has been filed with court. Please provide copy.
 5. Notice of proposed action to sell Lake Arrowhead property filed on 10/6/08. Question status of sale.
 6. Nothing new filed since a notice of proposed action was filed on 10/6/08. Last status report filed on 12/12/07. Need new status report.
 7. Minute order of 7/27/09 indicates parties have come to an agreement. Need copy of settlement agreement.

RECOMMENDATION

Need to clear notes. Need new written status report.

(/gls/kra/NMT/smj/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS06907

CASE NAME: ESTATE OF RUTH A BROWN

HEARING:
Hearing re Final Discharge

COUNSEL:

CAROL HAYES (PET)...DENNIS M SANDOVAL
RUTH A. BROWN (DEC)...
HERITAGE LAW OFFICES (ASG)...HERITAGE LAW OFFICES,APC
HELEN BROWN (TP)...HARTNELL LISTER & MOORE
CRISTI ANN BROOKS (HEITING & IRWIN)...HEITING &
TIMOTHY DANIEL DE WITTIE (HEITING & IRWIN)...HEITING &
VICKI SUE STITES (HEITING & IRWIN)...HEITING &
REX MICHAEL STITES ()...
ESTATE OF RUTH ANN BROWN ADMIN(HEITING & IRWIN)...HEITING &
INHERITANCE FUNDING COMPANY, I(STEVEN D SCHROEDER)...STEVEN D

COMPANION FILE= SPRSS06906.

**VACATED – PETITION FOR FINAL DISCHARGE SUBMITTED, APPROVED FOR
SIGNATURE**

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 9:00 DEPT: S33P

CASE#: SPR SS52425

CASE NAME: Sybil R Healy

HEARING:

Petition for Supplemental Distribution; Extraordinary Attorneys' Fees;
Supplemental Report

COUNSEL:

BRYAN C HARTNELL	(PET)...	
SYBIL R HEALY	(DEC)...	
NORMAN ULEN	(PET)...	RICHARD G SIMON
THE SALVATION ARMY	(RES)...	MESERVE, MUMPER & HUGHES LLP
JIM EVELYN WARE	(RICHARD G SIMON)...RICHARD G
F DALE HEALY	()...
RAYMOND HARBER MD	()...
JOHN J HEALY	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Supplemental report of executor, petition for supplemental distribution, and for extraordinary atty fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

3. Letters testamentary issued in 1985.
4. An order settling final account was entered in 1986.
5. An order nunc pro tunc correcting the order approving final account was entered in 1992. All known assets were distributed.
6. Executor (Bryan Hartnell) now reports that \$4,586.74 was later acquired on behalf of the estate from the State Controller (unclaimed property) and \$7,469.75 was received as net proceeds from the sale of real property. It is unclear how executor continued to act on behalf of the estate (including the sale of real property) after the final account was approved. The 1992 amendment to the final order does not appear in the file but the 1986 original final order brought the administration to a close. It does not

appear that receipts were ever filed or a petition and order for discharge was ever entered. Note that petitioner original held \$1,000 reserve. Petitioner now requests authority to distribute 20% of net current assets to the five residual beneficiaries. No supplemental final accounting is filed. Petitioner does not now address whether he seeks discharge or how any final accounting for prior (original) distribution or the current proposed distribution will be made. JTD.

7. Atty requests \$2,052.50 extraordinary fees. Itemized. Calculated based upon 4.5 hrs at \$275/hr. JTD.

RECOMMENDATION

Court's discretion. If approved, court to determine whether it will require a final accounting and/or receipts for original distribution and current proposed distribution. If approved, court to set any review dates accordingly.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PUBLIC GUARDIAN

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0700179

CASE NAME: KEITH CARNELL BLAND

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
KEITH CARNELL BLAND (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Letters expired 08-21-09.

Continued from 11/16/09 and 2/22/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 On 6/8/09 Court approved the 1st account. On 8/21/09, the LPS conservatorship was terminated. Need 2nd **final** accounting
- 2 No accounting filed.

RECOMMENDATION:

Inquire status.
(vet/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0700287

CASE NAME: GEORGE KIRKENDALL

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
GEORGE KIRKENDALL (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from 10/19/09 and 2/22/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 7/13/09 Court approved the 1st account. On 1/29/10, the Letters of LPS conservatorship expired and the conservatorship was not re-established. Need 2nd **final** accounting
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800066

CASE NAME: MTR OF JOHN RIVERA

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JOHN RIVERA	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

Continued from 9/28/09, 12/21/09 and 2/22/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 7/2/09 Court ordered the conservatorship terminated and a final accounting filed.
2. No accounting filed.

RECOMMENDATION:

Inquire status.
(kra/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: CON PS0800270

CASE NAME: JAMES K. DOYEN

VACATED- ACCOUNTING FILED AND IS SET ON 06/07/10.

HEARING:
Accounting Review

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
JAMES K DOYEN	(CEP)...DUANE P BOOTH

CIVPRO San Bernardino Superior Court
 San Bernardino District
 PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SG SS7739

CASE NAME: IN THE MATTER OF JOHN F SEHLHORST

VACATED- WAIVER OF ACCOUNTING APPROVED.

HEARING:
Accounting Review

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
JOHN L SEHLHORST (CEP)...

FUTURE HEARINGS:
6/06/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS01252

CASE NAME: IN THE MATTER OF GRAHAM CASTLE

HEARING:
Accounting Review

	COUNSEL:
GRAHAM CASTLE	(CEP)...HARTNELL HORSPOOL & FOX
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL

GENERAL INFORMATION
Letters expire 7/31/10.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 5/18/09 Court approved the 8th account; 9th accounting now due.
2. No accounting filed.

RECOMMENDATION:
Inquire status.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02647

CASE NAME: MTR OF SUE RAY

HEARING:
FOURTH AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
SUE RAY	(CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 4th & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 11/27/07 – 11/13/08.
2. Conservatorship established under W&I 5350 and terminated on 6/25/08.
3. Zero assets on hand.
4. Public Guardian and County Counsel waive compensation.
5. Petitioner has distributed burial trust policies valued at \$5,000 to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation. Declaration in lieu of receipt filed, indicating the policies and receipts were mailed on 7/25/08, but that the receipt was not returned and conservatee died 9/7/08. JTD

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS02934

CASE NAME: MTR RE MARICELA VALENZUELA

HEARING:

third and final Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
MARICELA VALENZUELA (CEP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 3rd & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 5/13/08 – 11/24/09.
2. Conservatorship established under W&I 5350 and terminated on 12/12/08.
3. Assets on hand \$638.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$319.00 each.
5. Petitioner has distributed \$639.16 to Social Security Administration, representing "conserved funds" of conservatee's estate and requests the Court's confirmation. Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/6/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS1625

CASE NAME: IN THE MATTER RONALD EASTERLY

HEARING:
EIGHTH AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:
RONALD EASTERLY (CEP)...HARTNELL HORSPPOOL & FOX
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 8th & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 11/4/06 – 9/9/09 (3 years)
2. Conservatorship established under W&I 5350 and terminated on 1/29/09.
3. Assets on hand \$16.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$8.00 each.
5. Petitioner has distributed \$39.54 to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation. Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS4030

CASE NAME: MTR OF GREGORY TURNEY

HEARING:

FOURTH Account and Report of PUBLIC GUARDIAN and Petition for fees

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
GREGORY TURNEY	(CEP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION

Letters expire 1/18/11.

THIS CASE IS SET FOR HEARING ON 4th account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 12/6/07 – 5/26/09.
2. Assets on hand \$282,457.38 consisting of cash.
3. Public Guardian and County Counsel request fees of \$3,368.00 each.
4. Petitioner has been paying for private storage since the sale of conservatee's home in 2006. It appears that the cost of such storage has more than doubled. Court may wish to inquire what efforts have been made to liquidate the personal property or if the property will be moved to petitioner's warehouse.

RECOMMENDATION:

RFA. If approved, Court to set next **LPS** hearing re Accounting Review for **6/6/11**. Any accounting to be filed 30 days in advance.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:00 DEPT: S33P

CASE#: SLC SS4297

CASE NAME: IN THE MATTER OF PATRICIA CARNEY

HEARING:
SECOND AND FINAL Account and Report of PUBLIC GUARDIAN and
Petition for allowance of fees filed.

COUNSEL:
PATRICIA CARNEY (CEP)...HARTNELL HORSPOOL & FOX
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2nd & Final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 2/28/08 – 10/5/09.
2. Conservatorship established under W&I 5350 and terminated on 2/15/09.
3. Assets on hand \$4.00 consisting of cash.
4. Public Guardian and County Counsel request fees of \$2.00 each.
5. Petitioner has distributed \$12.87 to conservatee, representing final distribution of conservatee's estate and requests the Court's confirmation. Receipt filed.

RECOMMENDATION:

RFA. If approved court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000099

CASE NAME: PATRICK EMIDIO HERNANDEZ

HEARING:

Petition for Appointment of Conservator

COUNSEL:

ELIZABETH ROJAS (CP)...PRO/PER

PATRICK EMIDIO HERNANDEZ (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for LIMITED conservatorship of the person only by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. No bond – person only.
2. Petitioner requests medical powers. Medical Capacity Declaration filed in support.
3. Petitioner requests powers under Pr.C. §§2351-2358 to include orders re access to medical records, right to contract, consent to medical treatment, and decisions re education.
4. Petitioner requests proposed conservatee not be allowed to fix residence outside California without court order.
5. Court must appoint counsel for proposed conservatee (limited conservatorship) per Pr.C. §1471.
6. Proposed conservatee is developmentally disabled. Need IRC report (limited conservatorship, Pr.C. §1827.5).
7. Court Investigator's report filed.
8. Return of citation filed. Need attendance of proposed conservatee or basis for non-appearance.
9. **Declarations of diligence search filed for father, paternal grandfather, and paternal grandmother (orange tabs in file). JTD.**

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **12/27/10** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(kra/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000063

CASE NAME: MICHELLE D POGUE

HEARING:

Petition for Appointment of Conservator

COUNSEL:

MICHAEL J POGUE (CPE)...HARTNELL LISTER & MOORE

MICHELLE D POGUE (CEP)...MARK J. A. FLORY

GENERAL INFORMATION

Temporary conservatorship of person and estate was granted on 3/30/10, no bond.

Continued from 4/26/10 at request of counsel for completion of class.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond on the basis that the conservatorship assets are community property. Petitioner is spouse.
2. Petitioner requests medical powers. Medical capacity declaration filed.
3. Petitioner requests authorization to refinance real property held in joint tenancy with proposed conservatee which petitioner states is community property. Petitioner adds that the refinance will not take cash out and will lead to a lower monthly payment.
4. Return of citation filed. However, it indicates mailed service and not personal service as required. (Note also that the date of mailed service was not completed even if mailed service were allowable.) Need proper return of citation.
5. Need proof of completion of conservatorship class by petitioner.
6. CI report filed.
7. Report of Court-appointed counsel filed.

RECOMMENDATION

Need to clear notes then court's discretion. If approved, set hearing for filing of inventory and appraisal, care plan and proof of recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **11/29/10**. Set accounting review for **7/11/11**.

(abs/kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000067

CASE NAME: MARIUM AZIZA ABDULLAH

HEARING:
Petition for Appointment of Conservator

COUNSEL:
AZIZA ABDULLAH (CP)...PRO/PER
MARIUM AZIZA ABDULLAH (CTP)...

GENERAL INFORMATION

Continued from 4/26/10. Atty Jack Osborn appointed for proposed conservatee.

THIS CASE IS SET FOR HEARING ON
Petition for limited conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. Petitioner requests medical powers. Need medical capacity declaration.
3. Petitioner requests limited powers to fix conservatee's residence.
4. Petitioner requests waiver of Assessment Fee.
5. Petitioner alleges that proposed conservatee is developmentally disabled and limited conservatorship is requested:
 - a. Need IRC report.
 - b. Report of appointed counsel, jack Osborn.
6. CI report filed.
7. Completion of conservatorship class filed.
8. Need notice of hearing with proof of service.
9. Need return of citation.

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of care plan, proof of recordation of letters, proof of service of order appointing Conservator, and care plan for **12/27/10**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0700239

CASE NAME: DEBRA MORETTA

HEARING:
Accounting Review

	COUNSEL:
NICK MORETTA	(CPE)...LINDA ROBERTS-ROSS
DEBRA MORETTA	(CEP)...
NICHOLAS MORETTA	(PET)...HODES MILMAN, LLP
DEBRA MORETTA	(CEP)...JEANNE KENNEDY

GENERAL INFORMATION

Continued from **01-20-09** on courts motion. Notice given by courtroom clerk.

Continued from **04-07-09**. Oral report given by Linda Robert-Ross.

Possible settlement in litigation matter.

Continued from 6/9/09, 9/28/09, 11/12/09 03/15/10 and 4/19/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. Conservatorship established to pursue damages for alleged medical malpractice. Estate has no assets. Question whether Conservatorship entitled to waiver under Pr. Code § 2628. **On 2/3/10 the court entered an order dispensing with bond and requiring deposit of civil litigation funds to be deposited into a blocked account. There was no waiver of accounting. Still need accounting (appears waiver of account would no longer apply).**
2. Periodic CI report filed.

RECOMMENDATION:

Court's discretion.

(NMT/vet/smj/gls/abs/cbr/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900123

CASE NAME: ANTHONY M. JARVIS

HEARING:
SECOND Account and Report of BILLIE V. JARVIS and Petition for fees

COUNSEL:
BILLIE V. JARVIS (PCR)...HORSPOOL & PARKER
ANTHONY M. JARVIS (PCE)...MARK J. A. FLORY
DALE SANFORD NEWMAN (TP)...

GENERAL INFORMATION:
Continued from 4/19/10 Court orders bond increased to \$66,000 and some clears notes.

THIS CASE IS SET FOR HEARING ON 2nd account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 1/20/06 – 7/21/09. The 1st accounting was filed and approved in Los Angeles County on 3/1/93. No accounting has been filed in the interim. Petitioner alleges that no accounting was ordered, so has provided an accounting of the last three years instead of going all the way back to 1992. However, Pr.C.§2620 provides that the conservator shall present an accounting. Also, as petitioner has settled a claim for injuries 1993 on behalf of conservatee and sold conservatee's residence in 1995, Court may wish to require petitioner to file an accounting to cover the period 11/18/92 – 1/19/06. JTD
2. Assets on hand \$151,307.35 consisting of \$1,307.35 in cash, \$15,000 in a vehicle and \$135,000 in real property. However, as this accounting does not continue from the 1st account, it cannot be determined if the accounting balances.
3. Assets on hand at the end of the first account indicates real property located in Burbank, CA. Assets on hand at the end of this accounting period shows real property located in Cedar Glen. The file indicates the real property in Burbank sold 9/7/95. However, there is no record of the purchase of real property in Cedar Glen. Need verified supplement. **Cleared per minute order of 4/19/10.**

4. Need Original account statements confirming assets on hand per Pr.C. §2620. **Cleared per minute order of 4/19/10. However, do not see account statements in the file. Please file conformed copies.**
5. In the last accounting petitioner requested authority to retain counsel to determine the feasibility of filing or proceeding with litigation for the damages conservatee sustained in an accident which resulted in this conservatorship. Question if counsel was retained and if fees were paid. Need verified supplement. **Cleared per minute order of 4/19/10.**
6. 6 Receipts totaling 5,216.17 are described as "deposit". Question the source of the receipts. Need verified supplement. **Cleared per minute order of 4/19/10.**
7. Petitioner alleges that the bond is currently set at \$17,000. However, the file indicates that a between the qualifying bond and additional bonds, a total of \$42,000 in bond has been posted. However, a Request for Special notice was filed 1/21/98 by Southern California Bonding Service indicating a delinquent bond premium. Question if bond premiums have been paid. Need verified supplement. **Cleared per minute order of 4/19/10.**
8. Petitioner requests bond to be increased to \$60,000. However, bond should be posted in the amount of \$66,000 to include assets on hand (excluding real property), annual income and the cost of recovery per CRC §7.207. JTD
9. Petitioner alleges that no request for special notice has been filed. However, there are 2 Requests for Special Notice in the file. Need verified supplement.
10. Petitioner waives compensation.
11. Attorney rests fees of \$2,725.00. Billed at \$250/hour for 10.9 hours.
12. Need proof of service on Southern California Bonding Service as Special Notice was requested. **Cleared per minute order of 4/19/10. However, do not see proof of service in the file. Please file conformed copies**
13. **On 4/19/10 Court orders bond increased to \$66,000. Need proof of bond.**

RECOMMENDATION:

Need to clear notes. If approved, Court may wish to set the next hearing re Accounting Review for **4/25/11** or a biennial Accounting Review for **4/23/12** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(kra)

FUTURE HEARINGS:

8/16/10 Petition for TERMINATION OF CONSERVATORSHIP 12/08/09

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:

FIRST Account and Report of LINDA JOHNSON and Petition for fees

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	ROBERT C CHANDLER
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 3/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON **Amended** 1st account current of the Marian Drayman Irrevocable Trust, UCA 5/12/06; and petition to reduce bond and for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Linda Johnson, former trustee of the Marian Drayman 1999 Trust and Marian Drayman Special Needs Trust was discharged on 5/14/09. However, petitioner presents this account for the 1999 Marian Drayman Irrevocable Trust nunc pro tunc as of 1/22/04. Petitioner alleges that on or about 4/4/06, Attorney Church, court-appointed counsel for conservatee filed his petition for substituted judgment to create an Irrevocable Trust Agreement and pourover will. The special needs trust created on 10/24/04, could not achieve its intended purpose as Marian Drayman was over 65 years of age when it was created. The pending petition was to substitute a grantor irrevocable trust in the place of the special needs trust to enable the trustee to pay nursing home bills since Medi-Cal would no longer pay such costs. Then, prior to the hearing for substituted judgment Marian Drayman filed objections which she subsequently withdraw in open court on the date of the hearing and the court granted the substituted judgment on 5/12/06. **This amended accounting covers the period 5/12/06 – 1/25/10. Thus, accounting of the trustee of the Irrevocable Trust created 5/12/06.**

2. Bond in the Irrevocable Trust was fixed at \$100,000 and increased by ex parte court order on 6/2/06 to \$161,000. Petitioner requests to reduce bond to \$20,000 based on annual income of 1,098.72 and assets on hand of 13,800.03. However, the beneficiary receives \$23,538.72 annually in social security. Thus the bond should be set at \$37,400.
3. Petitioner alleges that an amendment will be filed prior to the hearing as to a request for fees.
4. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice and then court's discretion.

(gls/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: SC SS03169

CASE NAME: MTR OF PATRICIA ANN KILBORN
COMPANION FILE= SPRSS07265.

HEARING:

Hearing re Final Discharge

COUNSEL:

RONALD KILBORN	(CPE)...HARTNELL, LISTER & MOORE
PATRICIA KILBORN	(CTE)...JAMES B CHURCH
JOHN CALLAHAN	(CPE)...BRIAN W. SMETHURST
LAWRENCE A DEAN II	(PCR)...
JOHN CALLAHAN	(CPE)...HORSPOOL & PARKER
ROBERT C KILBORN	(OBJ)...BRIAN J SIMPSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order settling second and final trust accounting was entered on 5/18/09.
2. On 5/13/10, the court granted a motion to set aside the final order on the basis there was language in the order obligation atty Kilborn to pay certain fees when he had never been given notice that such relief would be granted. Counsel was to submit an order on the motion to set aside. Need same.
3. Final discharge does not appear to be due based upon the fact that the final order has been set aside.
4. Question how the case will become finalized and how final accounting will be revisited. No future dates re same have been set. Suggest court address issue of revising to final accounting/order.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 10:30 DEPT: S33P

CASE#: SLC SS7383

CASE NAME: MATTER OF LARRY D LUCAS

HEARING:

FINAL Account and Report of SHIRLEY WHITE and Petition for fees

COUNSEL:

LARRY DEAN LUCAS	(CEP)...HARTNELL HORSPOOL & FOX
EARTHA MAYO	(CPE)...NANCY J YOUNG
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
SHIRLEY WHITE	(CPE)...PRO/PER

GENERAL INFORMATION

Shirley White was appointed LPS conservator on 12/15/06. Bond was ordered in the amount of \$50,000 and no bond has been posted (only a prequalification letter filed). On 12/14/07 Court reappointed Ms. White and ordered bond of \$50,000 and set an accounting review date.

On 1/2/09 the Court reappointed Ms. White and waived all bond and accounting. Thus, the 1/2/09 order appears to conflict with the prior order.

Finally on **1/8/10 Court terminated** the conservatorship at the request of the conservator and set this hearing re accounting review.

No bond was never posted.

THIS CASE SET FOR HEARING ON Petition for Final Account and Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

7. Accounting period 06/10/09 – 01/08/10. However, accounting period should be 12/15/06 – 12/14/09.
8. Assets on hand \$53,359.79.
9. Accounting provided is on a form from the Department of Veteran's Affairs. However, Accounting does not meet the requirements of Pr.C. §1061. Also, it cannot be determine whether or not the accounting is in balance as there is no summary of account. In addition, Accounting is not on mandatory Judicial Council forms GC-400/405. Need to file amended accounting covering period 12/15/06 – 12/14/09.

10. Petitioner is not requesting fees.
11. Need Inventory and Appraisal including account statements confirming assets as date of appointment of 12/15/06 per Pr.C. §2610 and Local Rule 20-908.
12. Need original bank statements starting when Conservator was appointed on 12/15/06 per Pr. C. § 2620(c).
13. Report not in compliance with Pr.C. §1064. File amended report.
14. Need List of Conservatee's addresses during the account period per local rule 20-1406 (a).
15. Supporting schedule (Personal) indicates a total of \$4,001.41 paid to conservatee. Does court wish to require itemization? JTD
16. Supporting schedule (Miscellaneous) indicates that \$40 was spent for medicine for Larry's daughter. Question if daughter is a minor? Need verified supplement.
17. Supporting schedule (Shopping) indicates the Charter Cable was paid \$1,751.62 during a six month period. Question how this payment benefited the estate as the cable bill appears to be excessive? Need verified supplement.
18. Supporting schedule (Donations) indicates that Conservatee donated \$2,007 to Church. Question what church and whether the church provides a annual receipt for tax purposes? Need verified supplement.
19. Need notice of hearing and proof of service.

RECOMMENDATION

Need proper accounting and report with supporting Inventory and Appraisal and notice.

(cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 05/24/10 TIME: 1:30 DEPT: S33P

CASE#: SPR SS03421

CASE NAME: MTR OF LEE T. HORNIBROOK TRUST

HEARING:
Hearing Re: Compliance with Probation Terms

COUNSEL:
VIRGINIA HORNIBROOK (PET)...
CHRISTINE INEZ HORNIBROOK (APP)...ALEXANDRA S. WARD
CHRISTINE INEZ HORNIBROOK (PET)...WILLIAM S LOUGHMAN
CHRISTINE INEZ HORNIBROOK (TEE)...PACIFIC LEGAL RESEARCH GROUP

GENERAL INFORMATION

Continued from 3/4/10, 3/19/10, 5/6/10.

THIS CASE IS SET FOR HEARING ON Compliance with Probation Terms

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. On 1/29/10, the court placed Virginia Hornibrook on probation for five years for failure to comply with 8/20/07 Court order and return items of property or pay the equivalent to Attorney Loughman. The court then set this hearing date to review compliance and hear petitioner's request for recovery of the funds expended to date for enforcement of the 8/20/07 order.

RECOMMENDATION:

Court's discretion.
(gls/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000270

CASE NAME: THE RICHARD DESMOND ADAMS AND SHIRLEY LORRAINE AD

HEARING:
Petition for TRANSFER OF PROPERTY HELD BY ANOTHER DAMAGES
UNDER PC SECTION 859 EC

COUNSEL:
SHIRLEY L ADAMS (PET)...CORY BRENDDEL
THE RICHARD DESMOND ADAMS AND (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for transfer of property, damages and elder abuse (Pr.C. §§850, 859, W&I §15610.30)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is the trustee of the Richard and Shirley Adams Trust dated 3/30/90 (copy of Trust attached as Exhibit A).
2. Petitioner alleges that the principal place of business of the Trust and the trustee's residence is in Los Angeles County, but that the subject real property and events described in the petition are located in San Bernardino county. The proper county for commencement of a trust proceeding is the county where the principal place of administration of the trust is located per Pr.C. §17005. Question how San Bernardino is the proper venue for the commencement of this Trust proceeding? Need verified supplement.
3. Petitioner alleges that she is one of the original settlors of the Trust, and that Richard Adams died 12/18/00 (decedent). Petitioner alleges that the subject property located in Big Bear Lake was an initial Trust asset. However, Schedule A of the Trust does not include the subject real property. Does Court wish to require a copy of the deed confirming title of the real property?
4. Petitioner alleges that decedent's daughter, Danialisa Hyatt, fraudulently signed petitioner's name and caused to be recorded a Grant Deed, granting the subject property to Danialisa Hyatt (copy of Deed attached as Exhibit B). Petitioner

requests the Court declare the forged Deed as void *ab initio* and that the subject property is an asset of the Trust.

5. Petitioner requests relief under Pr.C. §859 for double damages in the amount of twice the fair market value of the subject property as the taking of the property by Ms. Hyatt was wrongful.
6. Petitioner alleges that she is 65+ years of age and that the taking of the subject property was for a wrongful use and with intent to defraud. Petitioner requests Ms. Hyatt be directed to pay petitioner's attorney fees and punitive damages under W&I §15610.30 "financial abuse of an elder".
7. Need notice of hearing and proof of service per Pr.C. §851.

RECOMMENDATION:

Need notice.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700777

CASE NAME: SALLY MCDONOUGH

SEE ALSO 3 & 4

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LISA D CLARK (PET)...KELLY L. PEXTON, ESQ
SALLY MCDONOUGH (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

Continued from **5/12/08, 7/3/08, 1/5/09, 3-23-09, 5/4/09, 06-22-09, 8/5/09, 09-09-09** and **11/25/09**.

Continued from 1/13/10 as supplemental I&A was sent to probate referee.

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 10/30/07, no bond (limited authority).
2. Final original inventory filed. However, need account statements confirming date of death (03-07-07) balance per Local Rule 20-908.
3. Need proof of service on persons requesting special notice per Pr. C. § 1250.

RECOMMENDATION:

Need to clear notes.

(kra/gls/kra/vet/abs/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700777

CASE NAME: SALLY MCDONOUGH

SEE ALSO 2 & 4

HEARING:
Accounting Review

COUNSEL:
LISA D CLARK (PET)...KELLY L. PEXTON, ESQ
SALLY MCDONOUGH (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 10/30/07, no bond.
2. On 1/13/10 Court set this accounting review as it denies the first and final account as incomplete and inadequate and not appraised. Attorney Pexton substituted in case and is to file an amended first and final account.
3. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700777

CASE NAME: SALLY MCDONOUGH

SEE ALSO 2 & 3

HEARING:

FIRST AND FINAL Account and Report of LISA D CLARK and Petition for fees

COUNSEL:

LISA D CLARK (PET)...KELLY L. PEXTON, ESQ
SALLY MCDONOUGH (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

On 1/13/10 Court denies the first and final account as incomplete and inadequate and not appraised and set an accounting review. Attorney Pexton substituted in case and is to file an amended first and final account

See notes on prior page (matter #3).

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0701114

CASE NAME: VERLIN A WHITFORD

HEARING:
Petition for TO CONFIRM TERMS OF SETTLEMENT

COUNSEL:
BARBARA J WHITFORD (PET)...JAMES B CHURCH
VERLIN A WHITFORD (DEC)...
KEVIN WHITFORD (PET)...RANDAL P HANNAH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Confirm terms of settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter was on for Petition for Determination of Entitlement to Estate Distribution, wherein petitioner contended that she and the decedent were married even though decedent's codicil dated 09/10/90 stated that petitioner is "former wife". Petitioner was requesting the court to find the decedent's property community. Decedent's son Kevin Whitford objected.
2. Parties now agree by Stipulation for Settlement and that this settlement is in full satisfaction of all claims presently known or unknown, arising from the petitions and pleadings.
3. Petitioner requests the court accept and confirm the settlement agreement and dismiss with prejudice all petitions presently pending in this Estate.

RECOMMENDATION:

Court's discretion.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800288

CASE NAME: JAMES LOUIS WICKER

SEE ALSO 6A

HEARING:
FIRST AND FINAL Account and Report of JOHN C WICKER and Petition for fees

COUNSEL:
JOHN C WICKER (PET)...ROBERT J SPITZ
JAMES LOUIS WICKER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON: First and Final Account and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No summary of account with supporting schedules has been filed as provided in Pr. C §§1060-1064. Need verified supplement.
2. Petitioner alleges that five creditor's claims were filed, rejected and more than 90 days has lapsed since claims were rejected in this estate administration.
3. Petitioner states that after notice of proposed action and no objection thereto he transferred the decedent's residence to James E. Wicker, one of the heirs of decedent's estate, for \$6,000 cash and assumption of the presently existing obligation on the residence. Consents from two heirs were filed 6/15/09. Petitioner states that one heir (Christy Wicker) did not respond to the notice but in telephone conversation with her, petitioner informed Ms. Wicker of the action he was going to take. Petitioner states Ms. Wicker indicated that as value of property was less than what was owed on it, the house could be lost to foreclosure.
4. Petitioner states that he took the following actions without notice:
 - a. Sale of 2006 Chevrolet Silverado truck for cash in the amount of \$21,000.
 - b. Sale of 1995 Ford Thunderbird automobile for cash in the amount of \$1,900.
 - c. Sale of 1978 Dodge Ram truck for cash in the amount of \$175.00.

Petitioner alleges that the automobiles would have depreciated in value and caused expense to the estate had they been kept.

5. Petitioner requests statutory compensation in amount of \$7,632.44. Unable to verify statutory fees without proper accounting schedules (see Note #1 above).
6. Attorney requests statutory fees in amount of \$7,632.44. Unable to verify statutory fees without proper accounting schedules.
7. Attorney requests reimbursement in amount of \$498.00 (filing fee of \$385; publication fee of \$113). JTD.
8. Need copy of bank statement verifying balance in bank at end of account period.

RECOMMENDATION:

Need to clear notes then Court's discretion. If approved, court to set hearing re filing receipts and final discharge for **6/6/11**.

(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800288

CASE NAME: JAMES LOUIS WICKER

SEE ALSO 6

HEARING:

FIRST INTERIM Account and Report of JOHN C WICKER and Petition for allowance of fees filed.

COUNSEL:

JOHN C WICKER (PET)...ROBERT J SPITZ
JAMES LOUIS WICKER (DEC)...

GENERAL INFORMATION:

Continued from 08/12/09, 09/22/09, 11/03/09 at request of counsel to clear notes.

Continued from 12/14/09 for Counsel to file copy of Assumption Agreement to show new owner is liable for mortgage.

Continued from **1/21/10**.

Continued from **2/22/10** by court for Counsel to file sale closing statement and signed assumption agreement. John C. Wicker is ordered to appear at the hearing.

Continued from **4/1/10**. Court requires a corrected inventory and a final accounting before Court will take this matter off calendar.

Continued from 5/6/10 to be heard with first and final account.

THIS CASE IS SET FOR HEARING ON: FIRST INTERIM Account and Report and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges estate is not in a position to close. However, no allegation as to how long it will take to close the estate. Question why estate is not in a position to close as it appears that estate is liquid. **Petitioner states estate is now in condition to be closed but no indication as to when final account will be filed. Need verified supplement.**
2. Corrected I&A filed. However, the account listed is in the name of the administrator as of 9/28/09 and not as of date of death 1/9/08. An Inventory &

appraisal must reflect all of decedent's assets on hand at the time of decedent's death. Need Corrected I&A. **Fourth verified supplement included a copy of decedent's bank statement covering date of death. Need corrected inventory showing balance in bank as of date of death. Several corrected I&As filed show amount in estate account after sale of vehicles and residence of decedent. The residence and vehicles were included in the inventory filed 10/21/08. To include proceeds from sales of assets already inventoried in a subsequent I&A is improper. Need corrected inventory.**

3. No summary of account with supporting schedules has been filed as provided in Pr. C §§1060-1064. Need verified supplement. **Supp: Summary of account filed 3/11/10. However, summary does not show assets on hand at beginning of account. There are no supporting schedules reflecting what has transpired during period of account. Petitioner states that several vehicles have been sold. No schedule showing gains/losses on sales. Need corrected summary of account with supporting schedules, including whether there was a gain or loss on assumption of the residence by petitioner.**
4. Petitioner alleges that five creditor's claims were filed, rejected and more than 90 days has lapsed since claims were rejected in this estate administration.
5. Petitioner states that after notice of proposed action and no objection thereto he transferred the decedent's residence to James E. Wicker, one of the heirs of decedent's estate, for \$6,000 cash and assumption of the presently existing obligation on the residence. Consents from two heirs were filed 6/15/09. Petitioner states that one heir has not responded to the notice. Unable to determine whether remaining heir received notice of the action as no proof of service is on file showing service of notice of proposed action. Petitioner states that the property was "upside down" in that the estate owed more money on the obligation than what the property was worth. Petitioner states that had he not taken the action, the property would have further depreciated and caused depletion of the small amount of assets remaining in the estate to service the obligation and maintain the property. Question whether mortgage has been assumed by James E. Wicker and whether proper quitclaim deed has been prepared and recorded. **Supp: James Wicker assumed the mortgage as a term of the sale and a copy of the recorded deed is attached.**
6. Petitioner states that he took the following actions without notice:
 - a. Sale of 2006 Chevrolet Silverado truck for cash in the amount of \$21,000.
 - b. Sale of 1995 Ford Thunderbird automobile for cash in the amount of \$1,900.
 - c. Sale of 1978 Dodge Ram truck for cash in the amount of \$175.00.Petitioner alleges that the automobiles would have depreciated in value and caused expense to the estate had they been kept.
7. Need copy of Assumption Agreement to show new owner of real property is liable for mortgage per 12/14/09 Minute Order. **Supp: Assumption Agreement provided 3/11/10 showing petitioner has been added as a (co)borrower on the Loan and that he assumes the obligation to make payments due and perform all obligations under the terms of the Note.**

8. **Need copy of mortgage statement showing amount owing at date of death.**
9. **A first and final account and petition for final distribution is filed and calendared for hearing on 5/24/10. Court may wish to continue this matter to trail the final account. JTD**

RECOMMENDATION:

Need to clear notes then Court's discretion. Alternatively, as final account has been filed, Court may wish to vacate this matter (see notes prior page – Matter #6).

(fhl/cbr/kra/cbr/fhl/gls/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900150

CASE NAME: COTTEY FAMILY LIVING TRUST

HEARING:

settlement of first Account and Report of CAROL LOMBARD and Petition for fees

COUNSEL:

SUSAN COTTEY (PET)...RODNEY T HERRING
COTTEY FAMILY LIVING TRUST (TRU)...
CAROL LOMBARD (PET)...SUZANNE M GRAVES

GENERAL INFORMATION

Petition to remove trustee and determine invalidity to trust documents withdrawn on 04/13/10. Court indicated that previous settlement fell through and 2nd accounting was filed (below) and that objections to accounting will be filed.

THIS CASE SET FOR HEARING ON Petition for Settlement of First Account and Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 03/21/06 – 09/30/09 (42 months).
2. Assets on hand \$1,822,418.58 (\$42,162.92 cash, \$1,249,000 real properties and remaining in stocks and life insurance.
3. Petitioner and attorney have not calculated fees at this time and will file a supplemental report for fees. However, it appears that attorney has been paid \$39,131.47 in fees through 09/21/09. Need verified supplement to clarify.
4. There are no bank statements to verify beginning or ending balance of the accounting. Need same.
5. Petitioner, Carol Lombard, appears to now be paying rent for the Tulare real property.
6. There are several disbursements titled Scam/Fraud while the Trustors were still alive. Question if there were any reimbursements by the bank or credit card company for the alleged scams? Need verified supplement.

7. There is a disbursement for \$1,800 for Thrivent Insurance on 04/16/07 where petitioner is the payee. Question why petitioner was payee when other payments to Thrivent were electronic? Need verified supplement.
8. There is a disbursement of \$11,306 to Rescue Rooter on 10/29/07 for Upland property 7th Street. Question why this charge may be excessive and whether there was a claim filed with the house insurance company? Need verified supplement.
9. **Objections filed by Susan Cottey (daughter/beneficiary).**

RECOMMENDATION

Need to clear notes then set for contested hearing.

(cbr/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900488

CASE NAME: MTR OF TAMRA LYNN TRAVIS

HEARING:
PETITION FOR FINAL DISTRIBUTION ON WAIVER OF Account and Report
of MARTHA T TRAVIS and Petition for allowance of fees filed.

COUNSEL:
MARTHA T TRAVIS (PET)...PRO/PER
TAMRA LYNN TRAVIS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All heirs waive an account.
2. Petitioner waives compensation.
3. Need proposed order submitted.

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900614

CASE NAME: NIVA MILDRED GARNER

HEARING:

FIRST AND FINAL Account and Report of RAYMOND HUGHES and Petition for fees

COUNSEL:

RAYMOND HUGHES (PET)...DENNIS M SANDOVAL
NIVA MILDRED GARNER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final and Supplemental I&As filed. Need Account statements for B of A accounts ending **4478 and **3226 showing date of death balances per Local Rule 20-908.
2. Need account statements confirming accounting balance on hand per Local Rule 20-908
3. Petitioner and attorney request statutory fees of \$6,067.19. ok
4. Declaration of due diligence filed as to Larry Copeland. Petitioner alleges that his whereabouts are unknown and proposes to distribute Larry Copeland's share of the estate to the California Treasurer.

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900674

CASE NAME: ETSUKO THOMAS

HEARING:

FIRST AND FINAL Account and Report of TIMOTHY THOMAS and Petition for fees

COUNSEL:

TIMOTHY THOMAS	(PET)...E. THOMAS CHAVEZ
ETSUKO THOMAS	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final I&A filed. However, need account statement confirming date of death balance per Local Rule 20-908.
2. All heirs waive an accounting.
3. Statutory fees are \$9,839.46 not \$7,989.46 as requested. Need corrected fee computation per CRC§7.705.
4. Need notice of hearing and proof of service

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **6/6/11**.

(kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900734

CASE NAME: VERNON RAY HUTCHINSON

HEARING:

PTN FOR SETTLEMENT/DISTRIBUTION OF EST. ON WVR OF Account and
Report of GUY RAY HUTCHINSON and Petition for fees

COUNSEL:

GUY RAY HUTCHINSON (PET)...C TIMOTHY LASHLEE
VERNON RAY HUTCHINSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is the sole heir and waives an accounting and statutory fees.
2. Attorney requests statutory fees of \$28,318.33
3. Petitioner requests to withhold \$600.00 for closing expenses.
4. Petitioner requests to pay himself \$8,469.06 for a creditor claim filed for cost relating to decedent's last expenses and funeral. However, the claim was not brought before the court for approval/rejection. JTD

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for **6/6/11**.
(kra)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 05/24/10 TIME: 10:30 DEPT: S34P

CASE#: CON DS1000094

CASE NAME: MTR OF JULIE ANN BRYANT

HEARING:
Petition for Appointment of Conservator

COUNSEL:

GERALD BRYANT	(CPE)...PRO/PER
BARBARA BRYANT	(CPE)...PRO/PER
JULIE ANN BRYANT	(CEP)...E JOAN NELMS

GENERAL INFORMATION

Temporary conservatorship hearing continued from 4/22/10. Atty Joan Nelms appointed for proposed conservatee.

Temporary conservatorship granted on 4/29/10, no bond. Conservatee still vegetative. House was sold at trustee's sale. Court stated that a closing statement is needed to confirm that there were no surplus funds from the sale.

THIS CASE IS SET FOR HEARING ON
Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$118,000 bond based upon \$3,000 personal property and \$115,000 real property. However, real property typically would not be bonded-over. On the other hand, at the hearings re temporary conservatorship there was an indication that the real property has been sold and a closing statement is requesting re any surplus proceeds. Finally, the \$118,000 bond request did not include 10% for cost of recovery as required. Ned verified supplement addressing the current assets of estate, providing copy of closing statement, and addressing current bond.
2. Petitioner requests medical powers. Medical capacity declaration filed. However, physician did not complete section 4a re when proposed conservatee was last seen and did not initial section 7b supporting conclusion re incapacity. Need correct medical capacity declaration.
3. Return of citation filed. Proposed conservatee is vegetative.

4. Need report of appointed counsel.
5. Need CI report.
6. Need certificate of completion of training class.

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of inventory and appraisal, care plan and proof of recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing **12/27/10**. Set accounting review for **8/1/11**.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900146

CASE NAME: MTR OF FAYE Q CARRERA

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CORINNE C GARCIA

COUNSEL:

CORINNE C GARCIA	(CPE)...WILLIAM M NASSAR & ASSOCIATES
FAYE Q CARRERA	(CEP)...BRYAN C HARTNELL
JANET S VASQUEZ	(OBJ)...PRO/PER

GENERAL INFORMATION:

Continued from 4/19/10 for compliance documents to be filed.

THIS CASE SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed conservator of the person and estate on 02/02/10, \$0 bond. Court may wish to readdress bond issue when Inventory and Appraisal is filed.
2. Care Plan filed.
3. Need final Inventory & Appraisal per Pr.C.§2610.
4. Need proof of service of I&A including Instructions for Objection per Pr.C.§2610.
5. Need Court Investigator 6 month report per Pr.C.§1850(a)(1) (due 06/10).

RECOMMENDATION

When documents are not filed as ordered, court may set a hearing in accord with Pr.C. §2655.

(cbr/kra/abs)

FUTURE HEARINGS:

2/14/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

HEARING:

SECOND AND FINAL Account and Report of WANDA A. HARDY and
Petition for allowance of fees filed.

COUNSEL:

CHRIS HARDY	(CPE)...PRO/PER
WANDA A. HARDY	(CEP)...C. L. FARRELL
PUBLIC GUARDIAN	(SC)...COUNTY COUNSEL
WANDA A HARDY	(CEP)...HARTNELL LISTER & MOORE
LEGACY POST-ACUTE REHABILITATI (TP)..	SANDERS, COLLINS & REHASTE LLP

GENERAL INFORMATION:

Chris Hardy served as Conservator (temporary and permanent) from 12/7/05 through 1/24/08, when she was removed for cause.

On 4/13/07, Chris Hardy filed a Final & Corrected I & A, showing Conservatee's total assets, as of 12/8/05, were \$39,580.55. The amount included cash in the amount of \$15,762.09, an IRA account valued at \$20,735.46, two life insurance policies with a combined death benefit value of \$2,983.00 and personal effects valued at \$100.

On 6/12/07, Chris Hardy filed a First Report and Account Current for the period covering 12/8/05 - 12/8/06. On 8/28/07, the Court issued its Order settling the First Account and directing Chris Hardy to pay her attorney, John B. Church, \$3,516.24 as compensation, and \$50.65 for costs advanced (receipt filed).

On 12/9/08, Chris Hardy filed an unverified First Account Current and Report of Conservatee, covering the period 12/8/06 through 12/8/07. The Account has no schedules attached. (See notes on following page.) As a result of the account's deficiencies and Ms. Hardy's failure to file a proper accounting, the Court ordered CL Farrell to file an accounting on behalf of Ms. Hardy.

On 8/3/09, a Second and Final Account and Report was filed on behalf of Chris Hardy, by CL Farrell, the court-appointed attorney for the Conservatee. Ms. Farrell notes that she does not and has not at any time represented Chris Hardy. The Second Account covers the 25-month period from 12/9/06 through 1/24/08.

Continued from **9/21/09**. Court required info to clear notes. Atty Farrell to notice bonding company.

Continued from **11/30/09**. Ms. Farrell to file itemized total amount for court to assess surcharge against Chris Hardy. Public Guardian filing their petition.

Continued from 01/25/10 and 4/5/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON: Second and Final Account and Report of Former Conservator, Chris Hardy, and Petition Surcharge against Former Conservator; Petition for Attorney's Fees and Costs.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 8/27/07, Chris Hardy filed a Supplement to her First Account which added a reference to a life insurance policy (Hartford Life #LU2210097) with a zero carry balance and zero fair market value. This asset has never been appraised by the Probate Referee and continues to be carried as a zero value asset. Does Court wish to require appraisal? At 9/21/09 hearing, court was advised that insurance policy has zero balance as payments lapsed by Chris Hardy. Counsel to prepare order that Hartford Insurance is to release info re value of policy at date conservatorship was established. Need same. **Declaration filed by Public Guardian indicating that the insurance policy has a death benefit of \$25,000 and the policy owner is Chris Hardy. Public Guardian believes that the original policy owner was the Conservatee, Wanda Hardy, and that the policy was changed to the prior Conservator, Chris Hardy without court authorization.**
2. CL Farrell requests that the Court order surcharge against Chris Hardy as follows:
 - a. The sum of \$500 for unexplained cash withdrawal from checking account on 4/30/07, with 10% interest per annum assessed from 4/30/07 to the date of entry of surcharge.
 - b. For all sums assessed by Federal and CA taxing authorities against Conservatee in the nature of interest and penalties for failure to timely file 2007 tax return. **At 9/21/09 hearing, court required info re penalties/costs incurred for Chris Hardy turning over records (by 10/23/09). Court to then itemize and surcharge. Need same.**
 - c. For an amount determined by the Court to be reasonable compensation to Conservatee for Ms. Hardy's failure to provide for Conservatee's burial/cremation costs.
 - d. For legal fees incurred by Conservatee and costs advanced on behalf of Conservatee by C L Farrell for Ms. Hardy's: failure to pay Conservatee's nursing home bills; failure to timely turn over Conservatorship records and assets; and, for preparation of the Second Account.
 - e. At time of this review, no response filed by Chris Hardy.
3. Petitioner Farrell requests legal fees and cost reimbursement in a sum according to proof at the time of the hearing.

RECOMMENDATION:

Set for evidentiary hearing.

(smj/abs/cbr/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 05/24/10 TIME: 10:30 DEPT: S34P

CASE#: SC SS8140

CASE NAME: IN THE MATTER OF ROSE B ARCHER

HEARING:

Petition for AUTHORITY TO DEPOSIT FUNDS IN ATTORNEY/CLIENT TRUST
ACCOUNT

COUNSEL:

ROSE B ARCHER	(CEP)...
KRISTIE DEL CASTILLO	(CPE)...ELISABETH KEMPE-OLINGER
JEFFERY ARCHER	(SC)...ELISABETH KEMPE-OLINGER
JENNIFER ARCHER	(SC)...ELISABETH KEMPE-OLINGER

GENERAL INFORMATION:

Continued from 4/12/10 at request of counsel.

THIS CASE SET FOR HEARING ON Petition for Authority to Deposit Funds in
Attorney/Client Trust Account for Purposes of Medi-Cal Eligibility and Reduction of Bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are requesting to deposit \$16,000 into the attorney/client trust account. the Conservatorship consists of \$36,029.82 and has monthly expenses of \$6,000 per month. The Conservatee allegedly does not qualify for Medi-Cal since the real property sold. The deposit into the attorney/client trust account would be to create and maintain benefits eligibility.
2. Petitioners cite California Code of Regulations Title 22 Section 50402 that states "Property which is not available shall not be considered in determining Medi-Cal eligibility". However, Title 22 Section 50402 also states as such: Although §50402 has not been formally amended as of December 1, 2002, the following rules have been in effect since January 1, 1990 based on federal law. Property which the applicant or beneficiary has the legal right, power, and authority to liquidate is considered available and is used in determining eligibility. Therefore, that funds even if moved into the trust account would still be qualifying assets and benefits eligibility would not be achieved, and consequently that the purpose of the petition may be improper. Petitioner is invited to provide further Points and Authorities.

Supp (3/24/10): Atty for petitioners states that per her experience, MediCal will not consider funds in the atty trust account to be qualifying assets no matter what federal law says. She adds that no harm will come to conservatee from the arrangement, and that if MediCal eligibility is threatened then the funds will be used to provide for conservatee's care. Counsel adds that without this arrangement, \$6,000/mo will be spent on care. Supp2 (5/11/10): Counsel states that the \$22,000 has now already been received and deposited into her client trust account because it has been allowed before and because conservatee needed to qualify for benefits. JTD.

3. Petitioners also attach an alleged ruling by an administrative law judge indicating that the attorney client trust account would not be considered a Medicaid Qualifying Trust whereas the money would be considered in determination of Medi-Cal eligibility. The attached opinion does not have a judge's signature or proper legal citation. Therefore, there is no apparent authority for a finding that assets in a client trust account should not be considered. **Supp (3/24/10): Atty for petitioners states that the ruling is identified by number, that the court can look it up if it desires, and that the letter was given to counsel years ago. JTD.**

RECOMMENDATION

Court's discretion.

(cbr/abs/kra/abs)

FUTURE HEARINGS:

2/07/11 Accounting Review